

SENATE BILL No. 524

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2; IC 11-13-3-4; IC 31-37-19-5; IC 35.

Synopsis: Sex offender registry. Provides that a sex and violent offender must register with the county sheriff (instead of all local law enforcement agencies). Provides that all clerical functions related to registration may be performed by using a registration form. Requires the criminal justice institute to send a copy of the sex and violent offender directory to certain parties on computer disk, and requires the institute to send a paper copy of the directory upon request. Provides that a person must register in Indiana if the person owns property in Indiana or spends seven or more days in Indiana in a 180 day period. Provides that a person who damages or defaces a copy of the directory commits criminal mischief: (1) as a class A misdemeanor if the person is not required to register; and (2) as a class D felony if the person is required to register. Repeals provisions concerning the current sex and violent offender registry.

Effective: July 1, 2002.

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January 14, 2002, read first time and referred to Committee on Judiciary.

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Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

SENATE BILL No. 524

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-2-5-7 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2002]: Sec. 7. (a) Except as provided in
3 subsection (c), on request for release or inspection of a limited criminal
4 history, law enforcement agencies may and the department shall do the
5 following:

6 (1) Require a form, provided by them, to be completed. This form
7 shall be maintained for a period of two (2) years and shall be
8 available to the record subject upon request.

9 (2) Collect a three dollar (\$3) fee to defray the cost of processing
10 a request for inspection.

11 (3) Collect a seven dollar (\$7) fee to defray the cost of processing
12 a request for release. However, law enforcement agencies and the
13 department may not charge the fee for requests received from the
14 parent locator service of the child support bureau of the division
15 of family and children.

16 (b) Law enforcement agencies and the department shall edit
17 information so that the only information released or inspected is



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information which:

- (1) has been requested; and
- (2) is limited criminal history information.

(c) The fee required under subsection (a) shall be waived if the request is from the institute for conviction information that will be used to establish or update the sex and violent offender ~~registry~~ **directory** under ~~IC 5-2-12~~ **IC 5-2-6**.

SECTION 2. IC 5-2-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. As used in this chapter:

"Criminal justice" includes activities concerning:

- (1) the prevention or reduction of criminal offenses;
- (2) the enforcement of criminal law;
- (3) the apprehension, prosecution, and defense of persons accused of crimes;
- (4) the disposition of convicted persons, including corrections, rehabilitation, probation, and parole; and
- (5) the participation of members of the community in corrections.

"Entitlement jurisdictions" include the state and certain local governmental units as defined in Section 402(a) of the Omnibus Act.

"Institute" means the Indiana criminal justice institute.

"Juvenile justice" includes activities concerning:

- (1) the prevention or reduction of juvenile delinquency;
- (2) the apprehension and adjudication of juvenile offenders;
- (3) the disposition of juvenile offenders including protective techniques and practices;
- (4) the prevention of child abuse and neglect; and
- (5) the discovery, protection, and disposition of children in need of services.

"Juvenile Justice Act" means the Juvenile Justice and Delinquency Prevention Act of 1974 and any amendments made to that act.

"Local governmental entities" include:

- (1) trial courts; and
- (2) political subdivisions (as defined in IC 36-1-2-13).

"Offender" has the meaning set forth in IC 5-2-12-4.

"Omnibus Act" means the Omnibus Crime Control and Safe Streets Act of 1968 and any amendments made to that act.

"Trustees" refers to the board of trustees of the institute.

SECTION 3. IC 5-2-6-3, AS AMENDED BY P.L.238-2001, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. ~~(a)~~ The institute is established to do the following:

- (1) Evaluate state and local programs associated with:

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- 1 (A) the prevention, detection, and solution of criminal
- 2 offenses;
- 3 (B) law enforcement; and
- 4 (C) the administration of criminal and juvenile justice.
- 5 (2) Improve and coordinate all aspects of law enforcement,
- 6 juvenile justice, and criminal justice in this state.
- 7 (3) Stimulate criminal and juvenile justice research.
- 8 (4) Develop new methods for the prevention and reduction of
- 9 crime.
- 10 (5) Prepare applications for funds under the Omnibus Act and the
- 11 Juvenile Justice Act.
- 12 (6) Administer victim and witness assistance funds.
- 13 (7) Administer the traffic safety functions assigned to the institute
- 14 under IC 9-27-2.
- 15 (8) Compile and analyze information and disseminate the
- 16 information to persons who make criminal justice decisions in this
- 17 state.
- 18 (9) Serve as the criminal justice statistical analysis center for this
- 19 state.
- 20 (10) Establish and maintain, in cooperation with the office of the
- 21 secretary of family and social services, a sex and violent offender
- 22 ~~registry.~~ **directory.**
- 23 (11) Administer the application and approval process for
- 24 designating an area of a consolidated or second class city as a
- 25 public safety improvement area under IC 36-8-19.5.
- 26 (12) Prescribe or approve forms as required under IC 5-2-12.
- 27 (13) Provide judges, law enforcement officers, prosecuting
- 28 attorneys, parole officers, and probation officers with information
- 29 and training concerning the requirements in IC 5-2-12 and the use
- 30 of the sex and violent offender ~~registry.~~ **directory.**
- 31 (b) ~~The registry established under subsection (a)(10) must include~~
- 32 ~~the names of each sex and violent offender (as defined in IC 5-2-12-4)~~
- 33 ~~who is required to register under IC 5-2-12.~~
- 34 SECTION 4. IC 5-2-6-3.5 IS ADDED TO THE INDIANA CODE
- 35 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 36 1, 2002]: **Sec. 3.5. (a) The sex and violent offender directory**
- 37 **established under section 3 of this chapter must include the names**
- 38 **of each offender who is or has been required to register under**
- 39 **IC 5-2-12.**
- 40 (b) **The institute shall do the following:**
- 41 (1) **Update the directory at least one (1) time every six (6)**
- 42 **months.**

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(2) Publish the directory on the Internet through the computer gateway administered by the intelnet commission under IC 5-21-2 and known as Access Indiana.

(3) Make the directory available on a computer disk and, at least one (1) time every six (6) months, send a copy of the computer disk to the following:

(A) All school corporations (as defined in IC 20-1-6-1).

(B) All nonpublic schools (as defined in IC 20-10.1-1-3).

(C) All state agencies that license individuals who work with children.

(D) The state personnel department to screen individuals who may be hired to work with children.

(E) All child care facilities licensed by or registered in the state.

(F) Other entities that:

(i) provide services to children; and

(ii) request the directory.

(4) Make a paper copy of the directory available upon request.

(c) A copy of the directory:

(1) provided to a child care facility under subsection (b)(4)(E);

(2) provided to another entity that provides services to children under subsection (b)(4)(F); or

(3) that is published on the Internet under subsection (b)(3);

may not include the home address of an offender whose name appears in the directory.

(d) When the institute publishes on the Internet or distributes a copy of the directory under subsection (b), the institute shall include a notice using the following or similar language:

"Based on information submitted to the criminal justice institute, a person whose name appears in this directory has been convicted of a sex offense or a violent offense or has been adjudicated a delinquent child for an act that would be a sex offense or violent offense if committed by an adult. Continuing to employ a person whose name appears in this directory may result in civil liability for the employer."

SECTION 5. IC 5-2-6-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 14. (a) The victim and witness assistance fund is established. The institute shall administer the fund. Except as provided in subsection (e), expenditures from the fund may be made only in accordance with appropriations made by the general assembly.



(b) The source of the victim and witness assistance fund is the family violence and victim assistance fund established by IC 12-18-5-2.

(c) The institute may use money from the victim and witness assistance fund when awarding a grant or entering into a contract under this chapter, if the money is used for the support of a program in the office of a prosecuting attorney or in a state or local law enforcement agency designed to:

(1) help evaluate the physical, emotional, and personal needs of a victim resulting from a crime, and counsel or refer the victim to those agencies or persons in the community that can provide the services needed;

(2) provide transportation for victims and witnesses of crime to attend proceedings in the case when necessary; or

(3) provide other services to victims or witnesses of crime when necessary to enable them to participate in criminal proceedings without undue hardship or trauma.

(d) Money in the victim and witness assistance fund at the end of a particular fiscal year does not revert to the general fund.

(e) The institute may use money in the fund to:

(1) pay the costs of administering the fund, including expenditures for personnel and data;

(2) establish and maintain the sex and violent offender ~~registry~~ **directory** under IC 5-2-12; and

(3) provide training for persons to assist victims.

SECTION 6. IC 5-2-12-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 3.5. As used in this chapter, "registration form" means:**

(1) a form approved or prescribed by the institute; or

(2) a form not approved or prescribed by the institute that:

(A) contains information required by the institute; and

(B) is completed in a manner approved or prescribed by the institute.

SECTION 7. IC 5-2-12-4, AS AMENDED BY P.L.238-2001, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4. (a) As used in this chapter, "~~sex and violent~~ offender" means a person convicted of any of the following sex and violent offenses:

(1) Rape (IC 35-42-4-1).

(2) Criminal deviate conduct (IC 35-42-4-2).

(3) Child molesting (IC 35-42-4-3).

(4) Child exploitation (IC 35-42-4-4(b)).



- (5) Vicarious sexual gratification (IC 35-42-4-5).
- (6) Child solicitation (IC 35-42-4-6).
- (7) Child seduction (IC 35-42-4-7).
- (8) Sexual misconduct with a minor as a Class A, Class B, or Class C felony (IC 35-42-4-9).
- (9) Incest (IC 35-46-1-3).
- (10) Sexual battery (IC 35-42-4-8).
- (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age.
- (12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age.
- (13) An attempt or conspiracy to commit a crime listed in subdivisions (1) through (12).
- (14) A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in subdivisions (1) through (13).

(b) The term includes a **child who has committed** a delinquent act by a ~~child and~~ who:

- (1) is at least fourteen (14) years of age;
- (2) is on probation, is on parole, or is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and
- (3) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

SECTION 8. IC 5-2-12-5, AS AMENDED BY P.L.238-2001, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5. (a) Subject to section 13 of this chapter, the following persons must register under this chapter:

(1) ~~A sex and violent~~ An offender who resides ~~or intends to reside for more than seven (7)~~ days in Indiana. **An offender resides in Indiana if any of the following apply:**

(A) The offender spends or intends to spend at least seven (7) days (including part of a day) in Indiana during a one hundred eighty (180) day period.

(B) The offender owns property in Indiana.

(2) ~~A sex and violent~~ An offender not described in subdivision (1) who works or carries on a vocation or intends to work or carry on a vocation full-time or part-time for a period of time:



(A) exceeding fourteen (14) consecutive days; or

(B) for an aggregate period of time exceeding thirty (30) days; during any calendar year in Indiana, whether the offender is financially compensated, volunteered, or is acting for the purpose of government or educational benefit.

(3) ~~A sex and violent~~ An offender not described in subdivision (1) who is enrolled or intends to be enrolled on a full-time or part-time basis in any public or private educational institution, including any secondary school, trade, or professional institution, or institution of higher education in Indiana.

(b) ~~A sex and violent~~ An offender who resides ~~or intends to reside~~ in Indiana shall register with ~~each local law enforcement authority having jurisdiction in the area~~ **the sheriff of the county** where the ~~sex and violent~~ offender resides. ~~or intends to reside. If an offender resides in more than one (1) county, the offender shall register with the sheriff of each county in which the offender resides.~~

(c) ~~A sex and violent~~ An offender described in subsection (a)(2) shall register with the ~~local law enforcement authority having jurisdiction in the principal area~~ **sheriff of the county** where the ~~sex and violent~~ offender is or intends to be employed or carry on a vocation. **If an offender is or intends to be employed or carry on a vocation in more than one (1) county, the offender shall register with the sheriff of each county.**

(d) ~~A sex and violent~~ An offender described in subsection (a)(3) shall register with the ~~local law enforcement authority having jurisdiction in the principal area~~ **sheriff in the county** where the ~~sex and violent~~ offender is enrolled or intends to be enrolled as a student.

(e) ~~A sex and violent~~ An offender shall ~~register on a form or in the form prescribed or approved by the institute~~ **complete a registration form**. Each ~~local law enforcement authority~~ **sheriff** shall make the **required registration** forms available to registrants.

(f) The ~~sex and violent~~ offender shall register not more than seven (7) days after the ~~sex and violent~~ offender arrives at the place where the ~~sex and violent~~ offender is required to register under subsection (b), (c), or (d).

(g) Whenever a ~~sex and violent~~ an offender registers with a ~~local law enforcement authority~~ **sheriff**, the ~~local law enforcement agency~~ **sheriff** shall immediately notify the institute of the ~~sex and violent~~ offender's registration ~~on a form or in the form prescribed or approved by the institute~~ **by forwarding a copy of the registration form to the institute**.

(h) When an offender completes a new registration form, the



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sheriff shall:

(1) forward a copy of the new registration form to the institute; and

(2) notify every law enforcement agency having jurisdiction in the area where the offender resides.

SECTION 9. IC 5-2-12-6, AS AMENDED BY P.L.238-2001, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 6. The registration required under this chapter must include the following information:

(1) The ~~sex and violent~~ offender's full name, alias, **any name by which the offender was previously known**, date of birth, sex, race, height, weight, **hair color**, eye color, Social Security number, driver's license number, and home address.

(2) A description of the offense for which the sex and violent offender was convicted, the date of conviction, the county of the conviction, the cause number of the conviction, and the sentence imposed, if applicable.

(3) If the person is required to register under section 5(a)(2) or 5(a)(3) of this chapter, the name and address of each of the ~~sex and violent~~ offender's employers in Indiana, the name and address of each campus or location where the ~~sex and violent~~ offender is enrolled in school in Indiana, and the address where the ~~sex and violent~~ offender stays or intends to stay **overnight while** in Indiana. ~~for more than seven (7) days.~~

(4) Any other information required by the institute.

SECTION 10. IC 5-2-12-7, AS AMENDED BY P.L.238-2001, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 7. (a) Not more than fourteen (14) days before an Indiana ~~sex and violent~~ offender who is required to register under this chapter is scheduled to be released from a correctional facility, transferred to a community transition **or community corrections** program, transferred to the jurisdiction of a sentencing court or probation office for a term of probation after being confined in a facility, released from any other penal facility (as defined in IC 35-41-1-21), released from a secure private facility (as defined in IC 31-9-2-115), or released from a juvenile detention facility, an official of the facility shall do the following:

(1) Orally inform the ~~sex and violent~~ offender of the ~~sex and violent~~ offender's duty to register under this chapter and require the ~~sex and violent~~ offender to sign a written statement that the ~~sex and violent~~ offender was orally informed or, if the ~~sex and violent~~ offender refuses to sign the statement, certify that the ~~sex and violent~~

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1 ~~and violent~~ offender was orally informed of the duty to register.

2 (2) Deliver a ~~written notice on a registration form or in the form~~
3 ~~prescribed or approved by the institute of the sex and violent~~
4 ~~advising the offender of the~~ offender's duty to register under this
5 chapter and require the ~~sex and violent~~ offender to sign a written
6 statement that the ~~sex and violent~~ offender received the written
7 notice or, if the ~~sex and violent~~ offender refuses to sign the
8 statement, certify that the ~~sex and violent~~ offender was given the
9 written notice of the duty to register.

10 (3) Obtain the address where the ~~sex and violent~~ offender expects
11 to reside after the ~~sex and violent~~ offender's release.

12 (4) Inform in writing on a form or in the form prescribed or
13 approved by the institute the ~~applicable local law enforcement~~
14 ~~authority sheriff~~ having jurisdiction in the ~~area county~~ where the
15 ~~sex and violent~~ offender expects to reside of the ~~sex and violent~~
16 offender's name, date of release or transfer, new address, and the
17 ~~sex and violent~~ offense or delinquent act committed by the ~~sex~~
18 ~~and violent~~ offender.

19 (b) Not more than three (3) days after a ~~sex and violent an~~ offender
20 who is required to register under this chapter is released or transferred
21 as described in subsection (a), an official of the facility shall ~~send~~
22 ~~transmit~~ to the state police ~~on a form or in the form prescribed or~~
23 ~~approved by the institute~~ the following:

24 (1) The ~~sex and violent~~ offender's fingerprints, photograph, and
25 identification factors.

26 (2) The address where the ~~sex and violent~~ offender expects to
27 reside after the ~~sex and violent~~ offender's release.

28 (3) The complete criminal history data (as defined in IC 5-2-5-1)
29 or, if the ~~sex and violent~~ offender committed a delinquent act,
30 juvenile history data (as defined in IC 5-2-5.1-5) of the sex and
31 violent offender.

32 (4) Information regarding the ~~sex and violent~~ offender's past
33 treatment for mental disorders.

34 (5) Information as to whether the ~~sex and violent~~ offender has
35 been determined to be a sexually violent predator.

36 (c) This subsection applies if a ~~sex and violent an~~ offender is placed
37 on probation or in a community corrections program without confining
38 the ~~sex and violent~~ offender in a penal facility. The probation office
39 serving the court in which the sex and violent offender is sentenced
40 shall perform the duties required under subsections (a) and (b).

41 SECTION 11. IC 5-2-12-8, AS AMENDED BY P.L.238-2001,
42 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2002]: Sec. 8. (a) If a ~~sex and violent an~~ offender who is required to register under this chapter changes:

(1) home address; or

(2) if section 5(a)(2) or 5(a)(3) of this chapter applies, the place where the ~~sex and violent~~ offender stays ~~overnight for more than seven (7) days; in Indiana;~~

the ~~sex and violent~~ offender shall ~~provide written notice complete and submit a new registration form~~ not more than seven (7) days after the address change to the ~~local law enforcement authority sheriff~~ with whom the ~~sex and violent~~ offender last registered. ~~on a form or in the form prescribed or approved by the institute.~~

(b) If the ~~sex and violent~~ offender moves to a new ~~municipality or county in Indiana~~, the ~~local law enforcement authority sheriff~~ referred to in subsection (a) shall ~~in writing~~ inform the ~~appropriate local law enforcement authority sheriff~~ in the new ~~municipality or county in Indiana on a form or in the form prescribed or approved by the Indiana criminal justice institute;~~ of the ~~sex and violent~~ offender's ~~home or overnight residence by forwarding to the sheriff in the new county a copy of the registration form.~~ The ~~local law enforcement authority sheriff~~ receiving the ~~written~~ notice under this subsection shall verify the address of the ~~sex and violent~~ offender under section 8.5 of this chapter within seven (7) days after receiving the notice.

(c) If a ~~sex and violent an~~ offender who is required to register under section 5(a)(2) or 5(a)(3) of this chapter changes the ~~sex and violent~~ offender's principal place of employment, principal place of vocation, or campus or location where the ~~sex and violent~~ offender is enrolled in school, the ~~sex and violent~~ offender shall ~~provide written notice submit a new registration form~~ not more than seven (7) days after the change to the ~~local law enforcement authority sheriff~~ with whom the ~~sex and violent~~ offender last registered. ~~on a form or in the form prescribed or approved by the institute.~~

(d) If a ~~sex and violent an~~ offender moves the ~~sex and violent~~ offender's place of employment, vocation, or enrollment to a new ~~municipality or county in Indiana~~, the ~~local law enforcement authority sheriff~~ referred to in subsection (c) shall ~~in writing~~ inform the ~~appropriate local law enforcement authority sheriff~~ in the new ~~municipality or county in Indiana on a form or in the form prescribed or approved by the institute;~~ of the ~~sex and violent~~ offender's new principal place of employment, vocation, or enrollment ~~by forwarding a copy of the registration form to the sheriff in the new county.~~

(e) If an offender moves the offender's residence, place of employment, or enrollment to a new state, the sheriff shall inform

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1 the state police in the new state of the offender's new place of
2 residence, employment, or enrollment.

3 (f) A ~~local law enforcement authority~~ sheriff shall make the forms
4 required under this section available to registrants.

5 (f) (g) A ~~local law enforcement authority~~ sheriff who is notified of
6 a change under subsection (a) or (c) shall immediately notify the
7 institute of the change ~~on a form or in the form prescribed or approved~~
8 ~~by the institute.~~ by forwarding a copy of the registration form to the
9 institute.

10 SECTION 12. IC 5-2-12-8.5, AS AMENDED BY P.L.238-2001,
11 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2002]: Sec. 8.5. (a) To verify a ~~sex and violent~~ an offender's
13 current ~~home or overnight~~ residence, the ~~local law enforcement agency~~
14 sheriff shall do the following:

15 (1) Mail each ~~sex and violent~~ offender a ~~verification registration~~
16 form ~~prescribed or approved by the Indiana criminal justice~~
17 ~~institute~~ to the ~~sex and violent~~ offender's listed address at least
18 one (1) time per year, beginning seven (7) days after the ~~local law~~
19 ~~enforcement authority~~ sheriff receives a notice under section 14
20 of this chapter or the date the ~~sex and violent~~ offender is:

21 (A) released from a penal facility (as defined in
22 IC 35-41-1-21), a secure private facility (as defined in
23 IC 31-9-2-115), or a juvenile detention facility;

24 (B) placed in a community transition program;

25 (C) **placed in a community corrections program;**

26 (D) placed on parole; or

27 (E) placed on probation;

28 whichever occurs first.

29 (2) Mail a ~~verification registration~~ form ~~prescribed or approved~~
30 ~~by the Indiana criminal justice institute~~ to each ~~sex and violent~~
31 offender who is designated a sexually violent predator under
32 IC 35-38-1-7.5 at least once every ninety (90) days, beginning
33 seven (7) days after the ~~local law enforcement authority~~ sheriff
34 receives a notice under section 14 of this chapter or the date the
35 ~~sex and violent~~ offender is:

36 (A) released from a penal facility (as defined in
37 IC 35-41-1-21), a secure private facility (as defined in
38 IC 31-9-2-115), or a juvenile detention facility;

39 (B) placed in a community transition program;

40 (C) **placed in a community corrections program;**

41 (D) placed on parole; or

42 (E) placed on probation;



1 whichever occurs first.

2 (b) If ~~a sex and violent an~~ offender fails to return a signed
3 ~~verification registration~~ form either by mail or in person, the ~~local law~~
4 ~~enforcement authority sheriff~~ shall immediately notify the institute.

5 SECTION 13. IC 5-2-12-8.6, AS AMENDED BY P.L.238-2001,
6 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2002]: Sec. 8.6. (a) ~~A sex and violent An~~ offender who is
8 required to register under this chapter may not petition for a change of
9 name under IC 34-28-2.

10 (b) If ~~a sex and violent an~~ offender who is required to register under
11 this chapter changes the ~~sex and violent~~ offender's name due to
12 marriage, the ~~sex and violent~~ offender must notify the ~~criminal justice~~
13 ~~institute county sheriff by completing a registration form~~ not more
14 than thirty (30) days after the name change.

15 SECTION 14. IC 5-2-12-9, AS AMENDED BY P.L.238-2001,
16 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2002]: Sec. 9. ~~A sex and violent An~~ offender who knowingly
18 or intentionally fails to register under this chapter commits a Class D
19 felony. However, the offense is a Class C felony if the ~~sex and violent~~
20 offender has a prior unrelated offense under this section.

21 SECTION 15. IC 5-2-12-13, AS AMENDED BY P.L.238-2001,
22 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2002]: Sec. 13. (a) Except as provided in subsections (b) and
24 (c), ~~a sex and violent an~~ offender's duty to register expires ten (10)
25 years after the date the ~~sex and violent~~ offender:

26 ~~(1) becomes twenty-one (21) years of age; if the sex and violent~~
27 ~~offender was required to register under this chapter for a~~
28 ~~delinquent act;~~

29 ~~(2) (1) is released from a penal facility (as defined in~~
30 ~~IC 35-41-1-21) or a secure juvenile detention facility of a state~~
31 ~~or another jurisdiction;~~

32 ~~(3) (2) is placed in a community transition program;~~

33 ~~(4) (3) is placed in a community corrections program;~~

34 ~~(5) (4) is placed on parole; or~~

35 ~~(6) (5) is placed on probation;~~

36 whichever occurs last.

37 (b) ~~A sex and violent An~~ offender who is found to be a sexually
38 violent predator by a court under IC 35-38-1-7.5(b) is required to
39 register for an indefinite period unless a court, assisted by a board of
40 experts, finds that the sex and violent offender is no longer a sexually
41 violent predator under IC 35-38-1-7.5(c).

42 (c) ~~A sex and violent An~~ offender who is convicted of at least one

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(1) sex and violent offense that the ~~sex and violent~~ offender committed:

- (1) when the person was at least eighteen (18) years of age; and
- (2) against a victim who was less than twelve (12) years of age at the time of the crime;

is required to register for life.

(d) ~~A sex and violent~~ An offender who is convicted of at least one

(1) sex and violent offense:

- (1) that was committed when the person was at least eighteen (18) years of age;
- (2) that was committed against a victim who was less than eighteen (18) years of age at the time of the crime;
- (3) in which the ~~sex and violent~~ offender:

(A) proximately caused serious bodily injury or death to the victim;

(B) used force or the threat of force against the victim or a member of the victim's family; or

(C) rendered the victim unconscious or otherwise incapable of giving voluntary consent;

is required to register for life.

(e) ~~A sex and violent~~ An offender who is convicted of at least two

(2) unrelated sex and violent offenses that were committed:

- (1) when the person was at least eighteen (18) years of age; and
- (2) against victims who were less than eighteen (18) years of age at the time of the crime;

is required to register for life.

SECTION 16. IC 5-2-12-14, AS ADDED BY P.L.238-2001, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 14. (a) The governor may enter into a compact with one (1) or more jurisdictions outside Indiana to exchange notifications concerning the release, transfer, or change of address, employment, vocation, or enrollment of a ~~sex and violent~~ an offender between Indiana and the other jurisdiction or the other jurisdiction and Indiana.

(b) The compact must provide for the designation of a state agency to coordinate the transfer of information.

(c) If the state agency receives information that a sex and violent offender has relocated to Indiana to reside, engage in employment or a vocation, or enroll in school, the state agency shall inform in writing the appropriate local law enforcement authority having jurisdiction in the area sheriff of the county where the ~~sex and violent~~ offender is required to register in Indiana of:

- (1) the ~~sex and violent~~ offender's name, date of relocation, and



new address; and

(2) the sex and violent offense or delinquent act committed by the
~~sex and violent~~ offender.

SECTION 17. IC 11-13-3-4, AS AMENDED BY P.L.238-2001,
SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2002]: Sec. 4. (a) A condition to remaining on parole is that
the parolee not commit a crime during the period of parole.

(b) The parole board may also adopt, under IC 4-22-2, additional
conditions to remaining on parole and require a parolee to satisfy one
(1) or more of these conditions. These conditions must be reasonably
related to the parolee's successful reintegration into the community and
not unduly restrictive of a fundamental right.

(c) If a person is released on parole the parolee shall be given a
written statement of the conditions of parole. Signed copies of this
statement shall be:

(1) retained by the parolee;

(2) forwarded to any person charged with the parolee's
supervision; and

(3) placed in the parolee's master file.

(d) The parole board may modify parole conditions if the parolee
receives notice of that action and had ten (10) days after receipt of the
notice to express the parolee's views on the proposed modification.
This subsection does not apply to modification of parole conditions
after a revocation proceeding under section 10 of this chapter.

(e) As a condition of parole, the parole board may require the
parolee to reside in a particular parole area. In determining a parolee's
residence requirement, the parole board shall:

(1) consider:

(A) the residence of the parolee prior to the parolee's
incarceration; and

(B) the parolee's place of employment; and

(2) assign the parolee to reside in the county where the parolee
resided prior to the parolee's incarceration unless assignment on
this basis would be detrimental to the parolee's successful
reintegration into the community.

(f) As a condition of parole, the parole board may require the
parolee to:

(1) periodically undergo a laboratory chemical test (as defined in
IC 14-15-8-1) or series of tests to detect and confirm the presence
of a controlled substance (as defined in IC 35-48-1-9); and

(2) have the results of any test under this subsection reported to
the parole board by the laboratory.

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The parolee is responsible for any charges resulting from a test required under this subsection. However, a person's parole may not be revoked on the basis of the person's inability to pay for a test under this subsection.

(g) As a condition of parole, the parole board:

(1) may require a parolee who is ~~a sex and violent an~~ offender (as defined in IC 5-2-12-4) to:

(A) participate in a treatment program for sex offenders approved by the parole board; and

(B) avoid contact with any person who is less than sixteen (16) years of age unless the parolee:

(i) receives the parole board's approval; or

(ii) successfully completes the treatment program referred to in clause (A); and

(2) shall:

(A) require a parolee who is ~~a sex and violent an~~ offender (as defined in IC 5-2-12-4) to register with ~~a local law enforcement authority~~ **the sheriff** under IC 5-2-12-5; and

(B) prohibit the offender from residing within one thousand (1,000) feet of school property (as defined in IC 35-41-1-24.7) for the period of parole, unless the offender obtains written approval from the parole board.

If the parole board allows the offender to reside within one thousand (1,000) feet of school property under subdivision (2)(B), the parole board shall notify each school within one thousand (1,000) feet of the offender's residence of the order.

SECTION 18. IC 31-37-19-5, AS AMENDED BY P.L.238-2001, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5. (a) This section applies if a child is a delinquent child under IC 31-37-1.

(b) The juvenile court may, in addition to an order under section 6 of this chapter, enter at least one (1) of the following dispositional decrees:

(1) Order supervision of the child by:

(A) the probation department; or

(B) the county office of family and children.

As a condition of probation under this subdivision, the juvenile court shall after a determination under IC 5-2-12-4 require a child who is adjudicated a delinquent child for an act that would be an offense described in IC 5-2-12-4 if committed by an adult to register with ~~a local law enforcement authority~~ **the sheriff** under IC 5-2-12.

(2) Order the child to receive outpatient treatment:



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(A) at a social service agency or a psychological, a psychiatric, a medical, or an educational facility; or

(B) from an individual practitioner.

(3) Order the child to surrender the child's driver's license to the court for a specified period of time.

(4) Order the child to pay restitution if the victim provides reasonable evidence of the victim's loss, which the child may challenge at the dispositional hearing.

(5) Partially or completely emancipate the child under section 27 of this chapter.

(6) Order the child to attend an alcohol and drug services program established under IC 12-23-14.

(7) Order the child to perform community restitution or service for a specified period of time.

(8) Order wardship of the child as provided in section 9 of this chapter.

SECTION 19. IC 35-38-1-7.5, AS AMENDED BY P.L.238-2001, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 7.5. (a) As used in this section, "sexually violent predator" has the meaning set forth in IC 5-2-12-4.5.

(b) This section applies whenever a court sentences a person for a sex offense listed in IC 5-2-12-4(a)(1) through IC 5-2-12-4(a)(10) for which the person is required to register with ~~a local law enforcement agency~~ **the sheriff** under IC 5-2-12-5.

(c) At the sentencing hearing, the court shall determine whether the person is a sexually violent predator. Before making a determination under this section, the court shall consult with a board of experts consisting of two (2) board certified psychologists or psychiatrists who have expertise in criminal behavioral disorders.

(d) If the court finds that a person is a sexually violent predator:

(1) the person is required to register with ~~a local law enforcement agency~~ **the sheriff** as provided in IC 5-2-12-13(b); and

(2) the court shall send notice of its finding under this subsection to the criminal justice institute.

(e) A person who is found by a court to be a sexually violent predator under subsection (c) may petition the court to consider whether the person is no longer a sexually violent predator. The person may file a petition under this subsection not earlier than ten (10) years after the sentencing court makes its finding under subsection (c). A person may file a petition under this subsection not more than one (1) time per year. If a court finds that the person is no longer a sexually violent predator, the court shall send notice to the Indiana criminal

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justice institute that the person is no longer considered a sexually violent predator.

SECTION 20. IC 35-38-2-2.2, AS AMENDED BY P.L.238-2001, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2.2. As a condition of probation for ~~a sex and violent~~ **an** offender (as defined in IC 5-2-12-4), the court shall:

- (1) require the offender to register with ~~a local law enforcement authority~~ **the sheriff** under IC 5-2-12-5; and
- (2) prohibit the offender from residing within one thousand (1,000) feet of school property (as defined in IC 35-41-1-24.7) for the period of probation, unless the offender obtains written approval from the court.

If the court allows the ~~sex and violent~~ offender to reside within one thousand (1,000) feet of school property under subdivision (2), the court shall notify each school within one thousand (1,000) feet of the offender's residence of the order.

SECTION 21. IC 35-38-2-2.4, AS AMENDED BY P.L.238-2001, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2.4. As a condition of probation, the court may require ~~a sex and violent~~ **an** offender (as defined in IC 5-2-12-4) to:

- (1) participate in a treatment program for sex offenders approved by the court; and
- (2) avoid contact with any person who is less than sixteen (16) years of age unless the probationer:
 - (A) receives the court's approval; or
 - (B) successfully completes the treatment program referred to in subdivision (1).

SECTION 22. IC 35-43-1-2, AS AMENDED BY P.L.100-1999, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. (a) A person who:

- (1) recklessly, knowingly, or intentionally damages or defaces property of another person without the other person's consent; or
- (2) knowingly or intentionally causes another to suffer pecuniary loss by deception or by an expression of intention to injure another person or to damage the property or to impair the rights of another person;

commits criminal mischief, a Class B misdemeanor. However, the offense is:

- (A) a Class A misdemeanor if:
 - (i) the pecuniary loss is at least two hundred fifty dollars (\$250) but less than two thousand five hundred dollars (\$2,500);



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(ii) the property damaged was a moving motor vehicle;
 (iii) **the property damaged or defaced was a copy of the sex and violent offender directory (IC 5-2-6-3) and the person is not or was not required to register as a sex offender;**

(iv) the property damaged was a car or equipment of a railroad company being operated on a railroad right-of-way;
 or

~~(iv)~~ (v) the property damage or defacement was caused by paint or other markings; and

(B) a Class D felony if:

(i) the pecuniary loss is at least two thousand five hundred dollars (\$2,500);

(ii) the damage causes a substantial interruption or impairment of utility service rendered to the public;

(iii) the damage is to a public record;

(iv) **the property damaged or defaced was a copy of the sex and violent offender directory (IC 5-2-6-3) and the person is or was required to register as a sex offender;**

(v) the damage causes substantial interruption or impairment of work conducted in a scientific research facility; or

~~(v)~~ (vi) the damage is to a law enforcement animal (as defined in IC 35-46-3-4.5).

(b) A person who recklessly, knowingly, or intentionally damages:

(1) a structure used for religious worship;

(2) a school or community center;

(3) the grounds:

(A) adjacent to; and

(B) owned or rented in common with;

a structure or facility identified in subdivision (1) or (2); or

(4) personal property contained in a structure or located at a facility identified in subdivision (1) or (2);

without the consent of the owner, possessor, or occupant of the property that is damaged, commits institutional criminal mischief, a Class A misdemeanor. However, the offense is a Class D felony if the pecuniary loss is at least two hundred fifty dollars (\$250) but less than two thousand five hundred dollars (\$2,500), and a Class C felony if the pecuniary loss is at least two thousand five hundred dollars (\$2,500).

(c) If a person is convicted of an offense under this section that involves the use of graffiti, the court may, in addition to any other penalty, order that the person's operator's license be suspended or invalidated by the bureau of motor vehicles for not more than one (1)

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1 year.

(d) The court may rescind an order for suspension or invalidation under subsection (c) and allow the person to receive a license or permit before the period of suspension or invalidation ends if the court determines that:

(1) the person has removed or painted over the graffiti or has made other suitable restitution; and

(2) the person who owns the property damaged or defaced by the criminal mischief or institutional criminal mischief is satisfied with the removal, painting, or other restitution performed by the person.

SECTION 23. IC 35-50-2-2, AS AMENDED BY P.L.238-2001, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. (a) The court may suspend any part of a sentence for a felony, except as provided in this section or in section 2.1 of this chapter.

(b) With respect to the following crimes listed in this subsection, the court may suspend only that part of the sentence that is in excess of the minimum sentence:

(1) The crime committed was a Class A or Class B felony and the person has a prior unrelated felony conviction.

(2) The crime committed was a Class C felony and less than seven (7) years have elapsed between the date the person was discharged from probation, imprisonment, or parole, whichever is later, for a prior unrelated felony conviction and the date the person committed the Class C felony for which the person is being sentenced.

(3) The crime committed was a Class D felony and less than three (3) years have elapsed between the date the person was discharged from probation, imprisonment, or parole, whichever is later, for a prior unrelated felony conviction and the date the person committed the Class D felony for which the person is being sentenced. However, the court may suspend the minimum sentence for the crime only if the court orders home detention under IC 35-38-1-21 or IC 35-38-2.5-5 instead of the minimum sentence specified for the crime under this chapter.

(4) The felony committed was:

(A) murder (IC 35-42-1-1);

(B) battery (IC 35-42-2-1) with a deadly weapon or battery causing death;

(C) sexual battery (IC 35-42-4-8) with a deadly weapon;

(D) kidnapping (IC 35-42-3-2);



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- 1 (E) confinement (IC 35-42-3-3) with a deadly weapon;
- 2 (F) rape (IC 35-42-4-1) as a Class A felony;
- 3 (G) criminal deviate conduct (IC 35-42-4-2) as a Class A
- 4 felony;
- 5 (H) child molesting (IC 35-42-4-3) as a Class A or Class B
- 6 felony;
- 7 (I) robbery (IC 35-42-5-1) resulting in serious bodily injury or
- 8 with a deadly weapon;
- 9 (J) arson (IC 35-43-1-1) for hire or resulting in serious bodily
- 10 injury;
- 11 (K) burglary (IC 35-43-2-1) resulting in serious bodily injury
- 12 or with a deadly weapon;
- 13 (L) resisting law enforcement (IC 35-44-3-3) with a deadly
- 14 weapon;
- 15 (M) escape (IC 35-44-3-5) with a deadly weapon;
- 16 (N) rioting (IC 35-45-1-2) with a deadly weapon;
- 17 (O) dealing in cocaine, a narcotic drug, or methamphetamine
- 18 (IC 35-48-4-1) if the court finds the person possessed a firearm
- 19 (as defined in IC 35-47-1-5) at the time of the offense, or the
- 20 person delivered or intended to deliver to a person under
- 21 eighteen (18) years of age at least three (3) years junior to the
- 22 person and was on a school bus or within one thousand (1,000)
- 23 feet of:
- 24 (i) school property;
- 25 (ii) a public park;
- 26 (iii) a family housing complex; or
- 27 (iv) a youth program center;
- 28 (P) dealing in a schedule I, II, or III controlled substance (IC
- 29 35-48-4-2) if the court finds the person possessed a firearm (as
- 30 defined in IC 35-47-1-5) at the time of the offense, or the
- 31 person delivered or intended to deliver to a person under
- 32 eighteen (18) years of age at least three (3) years junior to the
- 33 person and was on a school bus or within one thousand (1,000)
- 34 feet of:
- 35 (i) school property;
- 36 (ii) a public park;
- 37 (iii) a family housing complex; or
- 38 (iv) a youth program center;
- 39 (Q) an offense under IC 9-30-5 (operating a vehicle while
- 40 intoxicated) and the person who committed the offense has
- 41 accumulated at least two (2) prior unrelated convictions under
- 42 IC 9-30-5; or

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1 (R) aggravated battery (IC 35-42-2-1.5).

2 (c) Except as provided in subsection (e), whenever the court
3 suspends a sentence for a felony, it shall place the person on probation
4 under IC 35-38-2 for a fixed period to end not later than the date that
5 the maximum sentence that may be imposed for the felony will expire.

6 (d) The minimum sentence for a person convicted of voluntary
7 manslaughter may not be suspended unless the court finds at the
8 sentencing hearing that the crime was not committed by means of a
9 deadly weapon.

10 (e) Whenever the court suspends that part of ~~a sex and violent an~~
11 offender's (as defined in IC 5-2-12-4) sentence that is suspendible
12 under subsection (b), the court shall place the offender on probation
13 under IC 35-38-2 for not more than ten (10) years.

14 (f) An additional term of imprisonment imposed under
15 IC 35-50-2-11 may not be suspended.

16 (g) A term of imprisonment imposed under IC 35-47-10-6 or
17 IC 35-47-10-7 may not be suspended if the commission of the offense
18 was knowing or intentional.

19 (h) A term of imprisonment imposed for an offense under
20 IC 35-48-4-6(b)(1)(B) may not be suspended.

21 SECTION 24. IC 35-50-6-1, AS AMENDED BY P.L.238-2001,
22 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2002]: Sec. 1. (a) Except as provided in subsection (d), when
24 a person imprisoned for a felony completes his fixed term of
25 imprisonment, less the credit time he has earned with respect to that
26 term, he shall be:

27 (1) released on parole for not more than twenty-four (24) months,
28 as determined by the parole board;

29 (2) discharged upon a finding by the committing court that the
30 person was assigned to a community transition program and may
31 be discharged without the requirement of parole; or

32 (3) released to the committing court if his sentence included a
33 period of probation.

34 (b) Except as provided in subsection (d), a person released on parole
35 remains on parole from the date of his release until his fixed term
36 expires, unless his parole is revoked or he is discharged from that term
37 by the parole board. In any event, if his parole is not revoked, the
38 parole board shall discharge him after the period set under subsection
39 (a) or the expiration of the person's fixed term, whichever is shorter.

40 (c) A person whose parole is revoked shall be imprisoned for the
41 remainder of his fixed term. However, he shall again be released on
42 parole when he completes that remainder, less the credit time he has

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1 earned since the revocation. The parole board may reinstate him on
2 parole at any time after the revocation.

3 (d) When ~~a sex and violent~~ **an** offender (as defined in IC 5-2-12-4)
4 completes the offender's fixed term of imprisonment, less credit time
5 earned with respect to that term, the offender shall be placed on parole
6 for not more than ten (10) years.

7 SECTION 25. THE FOLLOWING ARE REPEALED [EFFECTIVE
8 JULY 1, 2002]: IC 5-2-12-10; IC 5-2-12-11; IC 5-2-12-12.

9 SECTION 26. [EFFECTIVE JULY 1, 2002] **IC 35-43-1-2, as**
10 **amended by this act, applies only to acts committed after June 30,**
11 **2002.**

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